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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

10 PETER TIEMANN, ) Case No.: 2:24-cv-01935-JAM-JDP  
11 )  
12 Plaintiffs, ) **STIPULATION AND ORDER TO**  
13 vs. ) **DISMISS THE SECOND CAUSE OF**  
14 COUNTY OF EL DORADO, ) **ACTION AND FILE STIPULATION TO**  
15 ) **REMAND CASE**  
16 Defendant. )  
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1       On or about August 2, 2024, good cause appearing and on stipulation of the parties, the  
2 Court stayed this action for ninety (90) days (until October 30, 2024) due to an ongoing criminal  
3 investigation into the shooting that underlies the basis for the action. ECF No. 11.

4       On or about October 31, 2024, the Court granted an additional stay for 60 days because the  
5 criminal investigation was still open, pending forensic reports from the California Department of  
6 Justice (DOJ) and a charging decision by the El Dorado County District Attorney's Office. ECF  
7 No. 14.

8       On or about December 4, 2024, the El Dorado County Sheriff's Office received the  
9 completed DOJ forensic reports. Using those reports, the El Dorado County Sheriff's Office was  
10 to conclude its investigation and forward it to the El Dorado County District Attorney's Office for  
11 review and a charging decision. Once the charging decision was issued, the El Dorado County  
12 Sheriff's Office was to release the incident material to Defendants in this case who was then to  
13 release such to Plaintiffs in this case. On January 31, 2025, the Court granted an additional stay  
14 for 60 days that ended on February 12, 2025. ECF No. 16.

15      On or about February 28, 2025, the Court granted an additional stay for 90 days, to end on  
16 May 27, 2025, because the criminal investigation was still open, pending the final approval stage  
17 and was expected to be turned over the District Attorney's Office in the next 3-4 weeks. The  
18 County was to transmit the incident material to Defendant's counsel as soon as the investigation  
19 concluded, who would then transmit such to Plaintiff's counsel. It was agreed Plaintiffs would  
20 need additional time to review such in order to evaluate how to proceed. ECF No. 18.

21      On or about April 4, 2025, Defendants provided an initial set of investigation materials  
22 comprising primarily of photographs and text documents. On or about April 22, 2025, Plaintiffs  
23 requested additional materials referenced in the initial set, and on or about April 28, 2025,  
24 Defendant provided a second set of investigation materials comprising of additional photographs,  
25 audio files, and video files. It was agreed would Plaintiffs require additional time to continue  
26 reviewing the voluminous amount of investigation materials provided thus far and evaluate how  
27 to proceed. ECF No. 19.

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1       On or about June 13, 2025, the Court granted an additional stay for 45 days, to end on July  
2 25, 2025, because the criminal investigation materials were being reviewed by Plaintiffs for  
3 evaluation and it was agreed Plaintiffs would need additional time to review such in order to  
4 evaluate how to proceed. ECF No. 20.

5       Parties have since agreed to stipulate to dismiss the Second Cause of Action, for Violation  
6 of U.S. Code Section 1983, from the operative Complaint thus leaving only state claims in this  
7 matter. Parties further agree to stipulate to remand this case to state court as there will no longer  
8 be any federal jurisdictional grounds.

9       Accordingly, the parties hereby stipulate to and request leave to dismiss the Second Cause  
10 of Action, for Violation of U.S. Code Section 1983, from the operative Complaint. The Parties  
11 agree to file a Joint Stipulation to Remand Removed Action after such time that the Second Cause  
12 of Action is dismissed from the operative complaint.

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14 **SO STIPULATED.**

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16       Dated: June 10, 2025

ANGELO, KILDAY & KILDUFF, LLP

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/s/ *Derick E. Konz*  
(as authorized on 08/08/2025)

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By:

DERICK E. KONZ  
JACOB J. GRAHAM  
Attorneys for Defendants COUNTY OF  
EL DORADO and JEFF LEIKAUF

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Dated: June 10, 2025

TIEMANN LAW FIRM

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/s/ *Peter B. Tiemann*

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By:

PETER B. TIEMANN  
JELENA TIEMANN  
CARMEN D. OLMEDO  
ANDREW LEDEZMA  
Attorneys for Plaintiffs

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## ORDER

Good cause appearing and on stipulation of the parties, the Court **GRANTS** the parties' stipulation and hereby **DISMISSES** the Second Cause of Action, for Violation of U.S. Code Section 1983, from the operative Complaint. The Parties shall file a Stipulation to Remand the Case to the El Dorado County Superior Court on or before **August 27, 2025**.

## **IT IS SO ORDERED.**

August 13, 2025

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JOHN A. MENDEZ,  
SENIOR UNITED STATES DISTRICT JUDGE